

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

Jonathan BERALL, M.D., M.P.H.,

Plaintiff,

vs.

VERATHON INC., et al.,

Defendants.

Civil Action No. 1:10-cv-05777-BSJ

**NOTICE OF THE U.S. PATENT OFFICE'S GRANT OF REEXAMINATION
IN REFERENCE TO VERATHON INC.'S PENDING MOTION TO STAY**

In reference to Defendant Verathon, Inc.'s pending Motion to Stay (D.I. 42), Verathon submits this notice and the attached Order Granting Request For Ex Parte Reexamination to apprise the Court that on or about January 7, 2011, the United States Patent and Trademark Office granted Pentax of America's Request for Re-examination of U.S. Patent 5,827,178.

Verathon has conferred via telephone or email with counsel for all parties, none of whom object to the filing of this status update.

DATED this 25th day of January, 2011.

Respectfully submitted,

s/ Richard C. Pettus

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